

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KATHLEEN LEININGER,
Plaintiff

v.

MARRIOTT INTERNATIONAL INC.,
Defendant.

CAUSE NO. 5:21-cv-01160-JKP

DECLARATION OF JOSHUA H. SISAM
FOR FEES AND EXPENSES

1. My name is Joshua H. Sisam. I am over the age of 18, and my business address is 110 Industrial Dr. Boerne, Texas 78006. I make this declaration upon personal knowledge and belief, pursuant to 28 U.S.C. §1746.

First Remand in Cause 5:20-cv-01467-FB

2. On or about December 28, 2020, Defendant removed this case from The District Court of Bexar County, Texas.
3. On or about January 27, 2021, Plaintiff filed her first Motion to Remand.
4. On or about September 27, 2021, this Honorable Court remanded this case back to state district court.

Second Remand in Cause 5:21-cv-01160-JKP

5. On or about November 19, 2021, Defendant removed this case a second time.
6. On or about December 17, 2021, Plaintiff filed her second Motion to Remand.
7. On or about January 21, 2022, this Honorable Court remand this case back to state court and awarded Plaintiff attorney fees, expenses, and costs.

Fees and Expenses

8. I am an attorney licensed to practice in the State of Texas. I represent the Plaintiff in this suit and have personal knowledge of this case and the work performed.
9. I have experience in civil litigation, including employment disputes. It was prudent for Plaintiff to be represented by an attorney.
10. To reduce the cost, it was also necessary and appropriate to have paralegals and/or legal assistants work on this case. The paralegals and legal assistants assigned to this case are qualified by education, experience, and/or training to perform the services required, have knowledge of the legal system, principles, and procedures, were supervised by an attorney, performed tasks that are traditionally done by an attorney, and performed services that were reasonable and necessary.
11. Plaintiff's retention of me on this case prevented me from accepting other employment.
12. The total fees and expenses that Plaintiff incurred relating to: (a) fully briefing Plaintiff's first Motion to Remand; (b) fully briefing Plaintiff's second Motion to Remand; (c) preparation of attorney fees and declaration is **\$12,600.00**.
13. Attached hereto as **Exhibit A**, is a true and accurate copy of time records supporting paragraph 12 above. These records were kept in the ordinary course of business, and the billing rate is the ordinary rate used by our firm, after considering all of the factors set forth in TEX. DISC. R. PROF. CON., 1.04.
14. It is my opinion that the total amount identified in paragraph 12 is reasonable and necessary, as a direct result of Defendant's serial meritless removals in this action.
15. Further Declarant sayeth naught.

I declare under of penalty of perjury that the foregoing is true and correct. Executed in Kendall County, State of Texas, on the 26th day of January 2022.

/s/Joshua H. Sisam
Joshua H. Sisam, Esq.

Date	Staff	Description	Rate	Time	Line Total
First Remand in Cause 5:20-cv-01467-FB					
1/25/2021	CMA	review filings and communication with attorney regarding	\$135.00	1.00	\$135.00
1/25/2021	JHS	review filings and communication with client regarding	\$365.00	1.00	\$365.00
1/26/2021	JHS	review filings, legal research, and draft motion to remand	\$365.00	3.00	\$1,095.00
1/27/2021	JHS	draft motion to remand brief	\$365.00	3.00	\$1,095.00
1/27/2021	CMA	assist attorney with motion to remand, finalize motion and file	\$135.00	1.50	\$202.50
2/4/2021	JHS	review response brief and begin reply brief	\$365.00	3.25	\$1,186.25
2/5/2021	CMA	legal research regarding remand	\$135.00	1.50	\$202.50
2/8/2021	JHS	draft reply in support of Motion to Remand	\$365.00	5.50	\$2,007.50
2/10/2021	CMA	edit and file Plaintiff's Reply in Support of Motion to Remand, communication with attorney regarding Motion	\$135.00	1.75	\$236.25
Total Attorney Fees for First Remand					\$6,525.00
Second Remand in Cause 5:21-cv-01160-JKP					
12/16/2021	CMA	review second notice of removal and Legal research regarding second removal	\$135.00	3.00	\$405.00
12/16/2021	JHS	review legal research and draft second motion to remand brief	\$365.00	3.00	\$1,095.00
12/17/2021	JHS	additional legal research regarding serial removals and work on second motion to remand	\$365.00	4.50	\$1,642.50
12/17/2021	CMA	prepare exhibits, edit and file second motion to remand	\$135.00	1.50	\$202.50
1/4/2022	JHS	review response brief	\$365.00	1.00	\$365.00
1/5/2022	CMA	begin draft for reply in support of second remand	\$135.00	1.75	\$236.25
1/10/2022	JHS	Draft second reply in support of remand	\$365.00	4.50	\$1,642.50
1/10/2022	CMA	prepare exhibits, edit and file second reply brief	\$135.00	1.25	\$168.75
1/25/2022	CMA	prepare attorney fees for both remands and assist attorney with declaration	\$135.00	1.00	\$135.00
1/25/2022	JHS	draft declaration for attorney fees	\$365.00	0.50	\$182.50
Total Attorney Fees for Second Remand					\$6,075.00
Total Attorney Fees for First Remand					\$6,525.00
Total Attorney Fees for Second Remand					\$6,075.00
Total Attorney's Fees and Expenses					<u>\$12,600.00</u>